

REMARKS

In response to the Office Action of April 16, 2008, the specification, abstract and claims 1-4 and 6-18 have been amended, claim 5 has been cancelled and claim 19 has been newly added.

The specification has been amended to correct informalities and to make proper reference to all reference characters included in the drawings. No new matter is added.

Claims 1-4 and 6-18 have been amended to particularly point out and recite the blocking and unblocking keys are executable. Support for this amendment can be found in the application as filed, at page 8, lines 2-3.

Claims 6-11 and 15-18 have been amended so as to remove means plus function terminology. More specifically, claims 6-9 and 15-16 have been amended to recite a "radio." Support for this amendment can be found in the application as filed at page 6, line 4. Additionally, claims 6-7, 10-11, and 17-18 have been amended to recite a "control unit." Support for this amendment can be found in the application as filed at page 8, line 6.

Claims 1-4 and 6-18 have been amended to correct informalities.

Claims 1 and 6 have been amended to no longer recite "via a wireless connection."

Claim 19 has been newly added to recite the portable device of claim 6 using means plus function terminology.

Objection to the Drawings

At page 2 of the Office Action, the drawings are objected to as failing to comply with 37 C.F.R. 1.84(p)(5) because they include the reference character 103 without mentioning the character in the description. The specification has been amended to include reference character 103 in the paragraph at page 6 beginning at line 8. Therefore, it is respectfully submitted that the drawings are in proper form.

Objection to the Specification

At page 3 of the Office Action, the specification and abstract are objected to because of several informalities. The specification and abstract have been amended to

correct the informalities as instructed by the Office, therefore it is respectfully submitted that the specification and abstract are in allowable form.

Claim Objection- 35 U.S.C. § 112 Fourth Paragraph

At page 3 of the Office Action, claim 5 is objected to for including each limitation previously presented in claims 1 and 2. Claim 5 has been cancelled, therefore, the objection is considered moot.

Claim Rejections- 35 U.S.C. § 101

At page 3 of the Office Action, claims 6-11 and 15-18 are rejected under 35 U.S.C. § 101 because it is asserted that the claim is directed to a non-statutory subject matter. It is asserted by the Office that claim 6 does not produce a useful, concrete and tangible result, and therefore it is not eligible for patent protection. Applicant respectfully disagrees.

Claim 6 as amended is directed to a portable device comprising a radio configured for receiving an executable blocking key for blocking a certain function of the portable device and a control unit configured for activating the received executable blocking key in the device in order to prevent the function of a certain segment of the portable device thereof.

Claim 6 clearly recites a tangible and physical entity, the portable device. Furthermore, the device comprises components that are configured to perform specific and useful functions in the device. A radio is configured to receive an executable blocking key and a control unit is configured to activate the executable blocking key to prevent the device from performing a particular function. For example, if a company seeks to prevent people from utilizing the camera function on their mobile device inside a building, a person with the portable device of claim 6 can have that function blocked from use, rather than leave the device behind (Applicant's Detailed Description Section, page 6, lines 19-24).

Therefore, it is respectfully submitted that claim 6 as amended produces a useful, concrete and tangible result and is directed to a statutory subject matter. Because claims 7-11 and 15-18 are rejected because of their dependency on claim 6, it is further submitted that these claims are also directed to a statutory subject matter and are in allowable form.

Claim Rejections- 35 U.S.C. § 112, Second Paragraph

At page 4 of the Office Action, dependent claims 3 and 12 are rejected under 35 U.S.C. § 112 for reciting that the blocking or unblocking key may be received via a cable without sufficient antecedent basis, as independent claim 1 states the device has a wireless connection. Claim 1 as amended does not include the feature of a wireless connection. Therefore, it is respectfully submitted that claims 3 and 12 are in allowable form.

At page 4 of the Office Action, claims 5 and 14 are rejected for reciting the limitation “for the duration” without sufficient antecedent basis. Claim 5 has been cancelled and claim 14 has been amended so as to remove the limitation “for the duration” in order to overcome the rejection. Thus, it is respectfully submitted that claim 14 as amended is in allowable form.

Claim Rejections- 35 U.S.C. § 102

At page 4 of the Office Action, claims 6-9, 15-16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Campen (US Patent No. 7,110,753 B2).

With respect to independent claim 6, it is asserted by the Office that Campen discloses each feature of the claim. Reference is made to column 1, lines 50-59, column 2, lines 3-6 and column 4, lines 10-18 and 45-65 of Campen. Applicant respectfully disagrees.

Campen is directed to a wireless device capable of being controlled by an administrator. The wireless device may include a program of instructions controlling the operation of the wireless device. When control parameters are received from an administrator, the control parameters may be recovered from the transmission and integrated within the program of instructions such that the recipient wireless device operates according to the control parameters (Campen, Abstract and column 1, lines 50-59). For example, the administrator may limit what phone numbers may be called and/or received and may limit the duration of phone calls or even certain applications may be disabled (column 3, lines 15-25).

The control parameters of Campen refer to variables and are not code themselves (Campen, column 4, lines 36-37). The parameters may be integrated into a wireless device's operating program of instructions, so that the operating program of instructions may execute operations in accordance with the control parameters (Campen, column 4, lines 39-44).

Thus, Campen does not disclose or suggest an executable blocking key as recited in claim 6. In the context of the current invention, the term "executable" is used as it is used in the field of computer programming. As is stated in the application as filed, "the blocking key is an executable block, i.e. a program block to run" (Applicant's Detailed Description Section, page 6, lines 18-19). The executable blocking key is in a form that allows it to be readily loaded into a processor's working memory and be executed by making the processor read the machine-readable instructions in appropriate sequence.

As has been established in *Phillips v. AWH Corporation*, 415 F.3d 1303, 1326, 75 USPQ 2d 1321 (Fed. Cir. 2005), claim terms are to be given a meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention; that is, as of the effective filing date of the patent application; and:

"[i]mportantly, the person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but in the context of the entire patent, including the specification."

Thus, the word "executable" has a definite meaning as well-known in the relevant art which has been used in the specification.

Campen only discloses transmitting "object variables" to the wireless device (Campen, column 3, lines 61-62). The wireless device then must recognize the variables, locate a corresponding piece of previously stored program code, integrate the variables into the code, and arrange to have the program execute the instructions according to the variables (Campen, column 4, lines 19-44). Thus, the instructions sent in the invention of Campen are not "executable" as in the current invention, but are triggers for the processor to locate previously stored program code from memory for execution in the device.

Because the blocking key in the current invention is executable as is, the portable device receiving the blocking key is not required to have any previously stored executable routines for blocking any of the operations of the device. Thus, the present invention is remarkably versatile in that the sender of the executable blocking key has extensive freedom to choose the operations to block in the portable device, regardless of whether there is a pre-existing routine in the device to allow such blocking.

Therefore, it is clear that Campen does not disclose each of the features of claim 6, as Campen does not disclose executable blocking keys. Thus, it is respectfully submitted that claim 6 is not anticipated by Campen and is in allowable form.

It is further respectfully submitted that dependent claims 7-9, 15-16 and 18 are not anticipated by Campen and are in allowable form, at least in view of their dependency on independent claim 6.

Claim Rejections- 35 U.S.C. § 103

At page 6 of the Office Action, claims 1-3, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campen in view of Cho et al (US Patent No. 6,993,329, hereinafter Cho).

With respect to independent claim 1, it is asserted by the Office that Campen discloses each of the features of the claim, except for a method for temporarily blocking a function in a portable device. However, it is further asserted that this feature is disclosed by Cho, with reference made to the Abstract of Cho. It is stated by the Office that it would have been obvious to incorporate the teaching of Cho with the method of Campen to arrive at the claimed invention. Applicant respectfully disagrees.

Cho is directed to an apparatus and method for automatically switching communication/communication suppression mode of a wireless terminal (Cho, Abstract). In the method, a communication suppression control signal generator and a communication suppression release control signal generator are installed at the entrance and exit of a location where one wants communication restricted (a hospital or airplane for example) (Cho, column 14, lines 18-19 and 43-48). A wireless terminal receives a communication suppression control signal from one of the generators, informs a

corresponding base station of the terminal being in the restricted area, and the transmit path on/off switching block blocks RF radiation from the terminal antenna by receiving the control signal, thereby turning off the transmit path of the wireless communications terminal (Cho, Figure 7 and column 14, line 49-column 15, line 3).

Therefore, Cho also does not disclose an executable blocking key as is utilized in the method of claim 1 and as explained above. What is disclosed by Cho are signal transmissions to a wireless device to have the device execute instructions already existing in the device. The communication suppression control signal is not in itself executable, but signals the device to perform a certain function (blocking RF radiation from the antenna). Furthermore, Cho only appears to disclose turning off the receiving capability of a device, unlike the executable blocking key of the present invention which prevents the function of a certain segment of the portable device.

Because neither Campen nor Cho disclose or suggest executable blocking keys, combining the two references would not result in the invention of claim 1. Therefore, it is respectfully submitted that claim 1 is in allowable form.

It is further respectfully submitted that dependent claims 2, 3, 12 and 14 are not suggested by Campen in view of Cho and are therefore in allowable form, at least in view of their dependency on independent claim 1.

At page 9 of the Office Action, dependent claims 4-5 and 13 are rejected under 35 U.S.C 103(a) as being unpatentable over Campen in view of Cho and in further view of Kim (US Patent Publication No. 2002/0107005 A1). Applicant respectfully disagrees.

Kim discloses a Public Place Behavior notifying method, wherein a mobile terminal receives a message indicating entry into a public place from a method generator installed in the public place, and the received message is displayed and a public place mode is set (Kim, Abstract).

Thus, Kim also does not disclose an executable blocking key as is featured in dependent claims 4 and 13 and independent claim 1, to which claims 4 and 13 claim dependency upon.

Therefore, it is respectfully submitted that claims 4 and 13 are not unpatentable over Campen in view of Cho and in further view of Kim and are in allowable form.

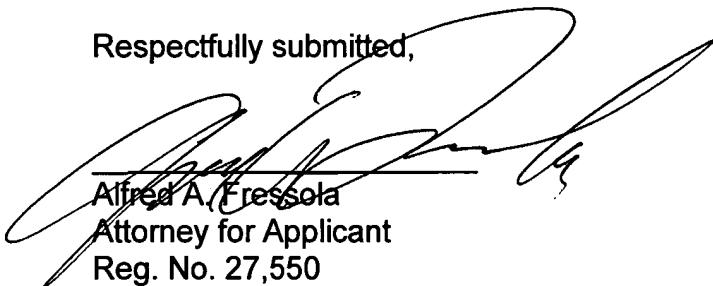
At page 11, dependent claims 10-11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campen in view of Kim. Applicant respectfully disagrees.

It is respectfully submitted that dependent claims 10, 11 and 17 are in allowable form, at least in view of their dependency on independent claims 1 and 6, which are also in allowable form.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Amendment. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,



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